

REMARKS

Applicants wish to thank the Examiner for the careful consideration given to this application. Currently, claims 33-39, 41, 46-62 and 64-77 are pending in this application. Claims 46, 51-52, 55, 56, 58-60, 64, 65, 68, 69, 71, 74 and 77 have been withdrawn, and claims 1-32, 40, 42-45 and 63 were previously cancelled. Claims 33, 61 and 67 have been amended. Support for such an amendment may be found at, for example, Example 1 (pg. 25, line 28 - pg. 29, line 2) and Table 2 of the specification as originally filed. In particular, page 28, lines 6-7 describe the activity of hHIF1#11, which corresponds to an siRNA targeting SEQ. ID NO. 223.

35 U.S.C. § 103

The Examiner has rejected claims 33-39, 41, 53-54, 57, 61, 62, 66, 67, 70, 72, 73, 75 and 76 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0096848 to Thru et al. (hereinafter, “Thru”), in view of U.S. Patent No. 5,801,156 to Robinson et al. (hereinafter, “Robinson”) and U.S. Patent Publication No. 2004/0259247 to Tuschl et al. (hereinafter, “Tuschl”). The Examiner has also rejected claims 47-50 under 35 U.S.C. § 103(a) as being unpatentable over Thru, in view of Robinson and Tuschl and further in view of Tuschl (Nature Biotechnology Vol. 20:446-448 2002) (hereinafter, “Tuschl-Nature”) and Noonberg et al. (U.S. Patent No. 5,624,803) (hereinafter “Noonberg”).

While Applicant respectfully disagrees, solely to expedite allowance of the present application, Applicant has amended the claims to specify that the target sequence is SEQ ID NO. 223. The cited references fail to disclose or suggest an siRNA, or any nucleic acid based inhibitor, that targets this particular sequence of HIF-1 α mRNA and therefore the claims as currently pending can not be considered obvious based upon the cited references. Moreover, Applicant has shown that siRNA targeting this particular portion of HIF-1 α mRNA is effective in inhibiting expression of HIF-1 α , which may be considered as surprising and unexpected. Accordingly, Applicant respectfully requests that this rejection be withdrawn and the present claims be passed to issue.

In addition, Applicant respectfully requests rejoinder of withdrawn claims 46, 51, 52, 55, 56, 58-60, 64, 65, 68, 69, 71, 74 and 77 be rejoined pursuant to MPEP 821.04.

CONCLUSION

In light of the amendments and remarks presented herein, it is believed that the pending claims are in condition for allowance and notice to such effect is respectfully requested. The Commissioner is hereby authorized to charge Deposit Account No. 50-0436 for any additional fees that may be due in connection with this response. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

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